

Planning and Development Acts 2000 to 2020

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 21/299

APPEAL by Kenneth Griffin care of Gilleece McDonnell O'Shaughnessy Limited of Cyprus House, Cyprus Avenue, Dooradoyle Road, County Limerick against the decision made on the 28th day of April, 2021 by Limerick City and County Council to refuse permission.

Proposed Development: Construction of a two-storey dwellinghouse, detached garage, entrance, wastewater treatment system, percolation area and all associated site works at Coonagh East, Coonagh, County Limerick.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

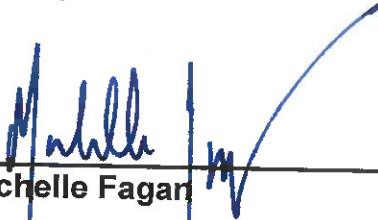
Matters Considered

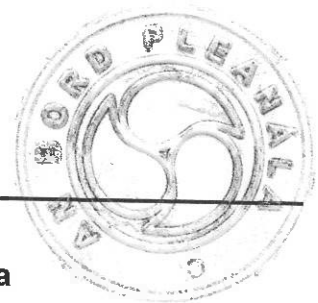
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. On the basis of the information provided with the application and the appeal, particularly in relation to the proposed servicing of the development by a private on-site wastewater treatment plant on a flood plain and on a site with poor percolation characteristics and shallow depth to bedrock, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not result in adverse effects on the integrity of the Lower River Shannon Special Area of Conservation (Site Code: 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077) in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.
2. Having regard to the location of the proposed development in an area where flood protection measures for the River Shannon are in place to protect the site and other lands in the area, the site being in a low point in this area, the lack of any Justification Test undertaken for the proposed development in accordance with The Planning System and Flood Risk Management – Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in November, 2009, and the necessity for the substantial filling of this site as a flood protection measure, it is considered that the proposed development is at risk of flooding and would be contrary to the policies and objectives of the current Limerick City Development Plan, in particular Policy WS.8, and the provisions of The Planning System and Flood Risk Management - Guidelines for Planning Authorities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the site within an area zoned ZO.7 - Agriculture in the current Limerick City Development Plan, in a rural area under urban influence, and to National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, it is considered that the applicant has not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.


Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 16th day of September 2021.